

AMENDED IN ASSEMBLY JUNE 23, 2003

**SENATE BILL**

**No. 1078**

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**Introduced by Committee on Business and Professions (Senators  
Figueroa (Chair), Aanestad, Brulte, and Machado)**

March 28, 2003

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An act to amend Sections 29.5, 6737.1, 6737.3, 6756, 7029.1, 7124.6, 7138, 7141, ~~7143~~ 8030.2, 8762, 8766, 8773.2, and 8773.4 of, and to add Sections 7013.5, 7027.4, 7116.5, and 8710.1 to, the Business and Professions Code, *and to amend Section 19825 of the Health and Safety Code*, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

SB 1078, as amended, Committee on Business and Professions. Professions and vocations.

(1) Existing law provides for licensing and regulation of professional engineers and land surveyors by the Board for Professional Engineers and Land Surveyors.

This bill would allow the county surveyor to examine and file a record of survey *or corner record* prepared by a land surveyor or civil engineer prior to his or her death. The bill would revise *other* existing provisions relating to filing of corner records by a land surveyor or civil engineer with the county surveyor.

(2) Existing law provides for licensing and regulation of contractors by the Contractors' State License Board.

This bill would revise existing provisions relating to the following: contractors bidding on projects as a joint venture, the period of time that the board discloses to the public citations or accusations against a contractor, *and* the issuance of renewal licenses to contractors whose licenses have been expired for not more than 5 years, ~~and the renewal~~

~~of licenses held in suspension for those contractors whose licenses have expired while having been suspended.~~ The bill would also add new provisions allowing use of prior recorded testimony of witnesses in proceedings of the board, and providing that it is a cause for discipline for a contractor to claim to be insured or bonded under certain conditions or to engage in conduct that subverts an investigation of the board or in other related conduct.

(3) *Existing law requires a contractor to make certain declarations upon the issuance of a building permit, and requires the Contractors' State License Board to provide, semiannually at the request of local building departments, a list of all contractors that did not secure payment of prescribed workers' compensation.*

*This bill would delete the requirement that the Contractors' State License Board provide that list of contractors. The bill would also delete a provision exempting permits under \$100 from a requirement to affirm under penalty of perjury that the permittee will maintain workers' compensation insurance, thereby creating a state-mandated local program by subjecting those persons to the crime of perjury.*

(4) *Existing law requires all unencumbered funds remaining in the Transcript Reimbursement Fund as of June 29, 2001, to be transferred to the Court Reporters' Fund.*

*This bill would change the date for that transfer to June 29, 2005, consistent with the revised sunset data applicable to these and other related provisions.*

(5) This bill would make other related changes.

(6) *The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

*This bill would provide that no reimbursement is required by this act for a specified reason.*

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: ~~no~~-yes.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 29.5 of the Business and Professions
- 2 Code is amended to read:
- 3 29.5. In addition to other qualifications for licensure
- 4 prescribed by the various acts of boards under the department,

1 applicants for licensure and licensees renewing their licenses shall  
2 also comply with Section 17520 of the Family Code.

3 SEC. 2. Section 6737.1 of the Business and Professions Code  
4 is amended to read:

5 6737.1. (a) This chapter does not prohibit any person from  
6 preparing plans, drawings, or specifications for any of the  
7 following:

8 (1) Single-family dwellings of woodframe construction not  
9 more than two stories and basement in height.

10 (2) Multiple dwellings containing no more than four dwelling  
11 units of woodframe construction not more than two stories and  
12 basement in height. However, this paragraph shall not be  
13 construed as allowing an unlicensed person to design multiple  
14 clusters of up to four dwelling units each to form apartment or  
15 condominium complexes where the total exceeds four units on any  
16 lawfully divided lot.

17 (3) Garages or other structures appurtenant to buildings  
18 described under subdivision (a), of woodframe construction not  
19 more than two stories and basement in height.

20 (4) Agricultural and ranch buildings of woodframe  
21 construction, unless the building official having jurisdiction  
22 deems that an undue risk to the public health, safety or welfare is  
23 involved.

24 (b) If any portion of any structure exempted by this section  
25 deviates from substantial compliance with conventional framing  
26 requirements for woodframe construction found in the most recent  
27 edition of Title 24 of the California Code of Regulations or tables  
28 of limitation for woodframe construction, as defined by the  
29 applicable building code duly adopted by the local jurisdiction or  
30 the state, the building official having jurisdiction shall require the  
31 preparation of plans, drawings, specifications, or calculations for  
32 that portion by, or under the responsible charge of, a licensed  
33 engineer, or by, or under the responsible control of, an architect  
34 licensed pursuant to Chapter 3 (commencing with Section 5500).  
35 The documents for that portion shall bear the stamp and signature  
36 of the licensee who is responsible for their preparation.

37 SEC. 3. Section 6737.3 of the Business and Professions Code  
38 is amended to read:

39 6737.3. A contractor, licensed under Chapter 9 (commencing  
40 with Section 7000) of Division 3, is exempt from the provisions

1 of this chapter relating to the practice of electrical or mechanical  
2 engineering so long as the services he or she holds himself or  
3 herself out as able to perform or does perform, which services are  
4 subject to the provisions of this chapter, are performed by, or under  
5 the responsible charge of a registered electrical or mechanical  
6 engineer insofar as the electrical or mechanical engineer practices  
7 the branch of engineering for which he or she is registered.

8 This section shall not prohibit a licensed contractor, while  
9 engaged in the business of contracting for the installation of  
10 electrical or mechanical systems or facilities, from designing those  
11 systems or facilities in accordance with applicable construction  
12 codes and standards for work to be performed and supervised by  
13 that contractor within the classification for which his or her license  
14 is issued, or from preparing electrical or mechanical shop or field  
15 drawings for work which he or she has contracted to perform.  
16 Nothing in this section is intended to imply that a licensed  
17 contractor may design work which is to be installed by another  
18 person.

19 SEC. 4. Section 6756 of the Business and Professions Code  
20 is amended to read:

21 6756. (a) An applicant for certification as an  
22 engineer-in-training shall, upon making a passing grade in that  
23 division of the examination prescribed in Section 6755, relating to  
24 fundamental engineering subjects, be issued a certificate as an  
25 engineer-in-training. A renewal or other fee, other than the  
26 application fee, may not be charged for this certification. The  
27 certificate shall become invalid when the holder has qualified as  
28 a professional engineer as provided in Section 6762.

29 (b) An engineer-in-training certificate does not authorize the  
30 holder thereof to practice or offer to practice civil, electrical, or  
31 mechanical engineering work, in his or her own right, or to use the  
32 titles specified in Sections 6732, 6736, and 6736.1.

33 (c) It is unlawful for anyone other than the holder of a valid  
34 engineer-in-training certificate issued under this chapter to use the  
35 title of “engineer-in-training,” or any abbreviation of that title.

36 SEC. 5. Section 7013.5 is added to the Business and  
37 Professions Code, to read:

38 7013.5. In all application, citation, or disciplinary  
39 proceedings pursuant to this chapter and conducted in accordance  
40 with the provisions of Chapter 5 (commencing with Section

1 11500) of Part 1 of Division 3 of Title 2 of the Government Code,  
 2 the testimony of a witness given in any contested civil or criminal  
 3 action or special proceeding, in any state or before any  
 4 governmental body or agency, to which the licensee or person  
 5 complained against is a party, or in whose behalf the action or  
 6 proceeding is prosecuted or defended, may be received in  
 7 evidence, so far as relevant and material to the issues in the  
 8 proceedings, by means of a duly authenticated transcript of that  
 9 testimony and without proof of the unavailability of the witness;  
 10 provided that the registrar may order the production of and  
 11 testimony by that witness, in lieu of or in addition to receiving a  
 12 transcript of his or her testimony and may decline to receive in  
 13 evidence the transcript of testimony, in whole or in part, when it  
 14 appears that the testimony was given under circumstances that did  
 15 not require or allow an opportunity for full cross-examination.

16 SEC. 6. Section 7027.4 is added to the Business and  
 17 Professions Code, to read:

18 7027.4. (a) It is a cause for discipline for any contractor to  
 19 advertise that he or she is “insured” or has insurance without  
 20 identifying in the advertisement the type of insurance, including,  
 21 for example, “commercial general liability insurance” or  
 22 “workers’ compensation insurance” that is carried by the  
 23 contractor. The contractor may abbreviate the title of the type of  
 24 insurance.

25 (b) It is cause for discipline for a contractor to advertise that he  
 26 or she is “bonded” if the reference is to a contractor’s license bond  
 27 required pursuant to ~~7061.6~~ *Section 7071.6* or to a disciplinary  
 28 bond required pursuant to *Section 7071.8*.

29 (c) “Advertise,” as used in this section, includes, but is not  
 30 limited to, the issuance of any card, sign, or device to any person,  
 31 the causing, permitting, or allowing of any sign or marking on or  
 32 in any building or structure or business vehicle or in any  
 33 newspaper, magazine, or by airwave or any electronic  
 34 transmission, or in any directory under a listing for construction  
 35 or work of improvement covered by this chapter, for the direct or  
 36 indirect purpose of performing or offering to perform services that  
 37 require a contractor’s license.

38 SEC. 7. Section 7029.1 of the Business and Professions Code  
 39 is amended to read:

1 7029.1. (a) Except as provided in this section, it is unlawful  
2 for any two or more licensees, each of whom has been issued a  
3 license to act separately in the capacity of a contractor within this  
4 state, to be awarded a contract jointly or otherwise act as a  
5 contractor without first having secured a joint venture license in  
6 accordance with the provisions of this chapter.

7 (b) Prior to obtaining a joint venture license, contractors  
8 licensed in accordance with this chapter may jointly bid for the  
9 performance of work covered by this section. If a combination of  
10 licensees submit a bid for the performance of work for which a  
11 joint venture license is required, a failure to obtain that license  
12 shall not prevent the imposition of any penalty specified by law for  
13 the failure of a contractor who submits a bid to enter into a contract  
14 pursuant to the bid.

15 (c) A violation of this section constitutes a cause for  
16 disciplinary action.

17 SEC. 8. Section 7116.5 is added to the Business and  
18 Professions Code, to read:

19 7116.5. It is a cause for discipline for a licensee to do any of  
20 the following:

21 (a) Engage in any conduct that subverts or attempts to subvert  
22 an investigation of the board.

23 (b) Threaten or harass any person or licensee for providing  
24 evidence in any possible or actual disciplinary action, arbitration,  
25 or other legal action.

26 (c) Discharge an employee primarily because of the  
27 employee's attempt to comply with or aid in compliance with the  
28 provisions of this chapter.

29 SEC. 9. Section 7124.6 of the Business and Professions Code  
30 is amended to read:

31 7124.6. (a) The registrar shall make available to members of  
32 the public the date, nature, and status of all complaints on file  
33 against a licensee that do either of the following:

34 (1) Have been referred for accusation.

35 (2) Have been referred for investigation after a determination  
36 by board enforcement staff that a probable violation has occurred,  
37 and have been reviewed by a supervisor, and regard allegations  
38 that if proven would present a risk of harm to the public and would  
39 be appropriate for suspension or revocation of the contractor's  
40 license or criminal prosecution.

1 (b) The board shall create a disclaimer that shall accompany the  
2 disclosure of a complaint that shall state that the complaint is an  
3 allegation. The disclaimer may also contain any other information  
4 the board determines would be relevant to a person evaluating the  
5 complaint.

6 (c) A complaint resolved in favor of the contractor shall not be  
7 subject to disclosure.

8 (d) Except as described in subdivision (e), the registrar shall  
9 make available to members of the public the date, nature, and  
10 disposition of all legal actions.

11 (e) Disclosure of legal actions shall be limited as follows:

12 (1) Citations shall be disclosed from the date of issuance and  
13 for five years after the date of compliance if no additional  
14 disciplinary actions have been filed against the licensee during the  
15 five-year period. If additional disciplinary actions were filed  
16 against the licensee during the five-year period, all disciplinary  
17 actions shall be disclosed for as long as the most recent disciplinary  
18 action is subject to disclosure under this section. At the end of the  
19 specified time period, those citations shall no longer be disclosed.

20 (2) Accusations that result in suspension, stayed suspension, or  
21 stayed revocation of the contractor's license shall be disclosed  
22 from the date the accusation is filed and for seven years after the  
23 accusation has been settled, including the terms and conditions of  
24 probation if no additional disciplinary actions have been filed  
25 against the licensee during the seven-year period. If additional  
26 disciplinary actions were filed against the licensee during the  
27 seven-year period, all disciplinary actions shall be posted for as  
28 long as the most recent disciplinary action is subject to disclosure  
29 under this section. At the end of the specified time period, those  
30 accusations shall no longer be disclosed.

31 (3) All revocations that are not stayed shall be disclosed  
32 indefinitely from the effective date of the revocation.

33 SEC. 10. Section 7138 of the Business and Professions Code  
34 is amended to read:

35 7138. Notwithstanding any other provision of law, any fee  
36 paid in connection with any service or application covered by  
37 Section 7137 shall accrete to the Contractors' License Fund as an  
38 earned fee and shall not be refunded.

39 SEC. 11. Section 7141 of the Business and Professions Code  
40 is amended to read:



1     7141. Except as otherwise provided in this chapter, a license  
2 that has expired may be renewed at any time within five years after  
3 its expiration by filing an application for renewal on a form  
4 prescribed by the registrar, and payment of the appropriate  
5 renewal fee. Renewal under this section shall be effective on the  
6 date an acceptable renewal application is filed with the board. The  
7 licensee shall be considered unlicensed and there will be a break  
8 in the licensing time between the expiration date and the date the  
9 renewal becomes effective. If the license is renewed after the  
10 expiration date, the licensee shall also pay the delinquency fee  
11 prescribed by this chapter. If so renewed, the license shall continue  
12 in effect through the date provided in Section 7140 which next  
13 occurs after the effective date of the renewal, when it shall expire  
14 if it is not again renewed.

15     If a license is not renewed within five years, the licensee shall  
16 make application for a license pursuant to Section 7066.

17     ~~SEC. 12. Section 7143 of the Business and Professions Code~~  
18 ~~is amended to read:~~

19     ~~7143. A license that is suspended for any reason that~~  
20 ~~constitutes a basis for suspension under this chapter is subject to~~  
21 ~~expiration. However, that license may be renewed as provided for~~  
22 ~~in this chapter, but that renewal does not entitle the licensee, while~~  
23 ~~the license remains suspended, and until it is reinstated, to engage~~  
24 ~~in any activity to which the license relates, or in any other activity~~  
25 ~~or conduct in violation of the order or judgment by which the~~  
26 ~~license was suspended.~~

27     ~~SEC. 12. Section 8030.2 of the Business and Professions Code~~  
28 ~~is amended to read:~~

29     8030.2. (a) To provide shorthand reporting services to  
30 low-income litigants in civil cases, who are unable to otherwise  
31 afford those services, funds generated by fees received by the  
32 board pursuant to subdivision (c) of Section 8031 in excess of  
33 funds needed to support the board's operating budget for the fiscal  
34 year in which a transfer described below is made shall be used by  
35 the board for the purpose of establishing and maintaining a  
36 Transcript Reimbursement Fund. The Transcript Reimbursement  
37 Fund shall be established by a transfer of funds from the Court  
38 Reporters' Fund and shall be maintained in an amount no less than  
39 three hundred thousand dollars (\$300,000) for each fiscal year.





(b) All moneys held in the Court Reporters' Fund on the effective date of this section in excess of the board's operating budget for the 1996–97 fiscal year shall be used as provided in subdivision (a).

(c) Refunds and unexpended funds that are anticipated to remain in the Transcript Reimbursement Fund at the end of the fiscal year shall be considered by the board in establishing the fee assessment pursuant to Section 8031 so that the assessment shall maintain the Transcript Reimbursement Fund at the appropriate level in the following fiscal year.

(d) The Transcript Reimbursement Fund is hereby created in the State Treasury. Notwithstanding Section 13340 of the Government Code, moneys in the Transcript Reimbursement Fund are continuously appropriated for the purposes of this chapter.

(e) Applicants who have been reimbursed pursuant to this chapter for services provided to litigants and who are awarded court costs or attorneys' fees by judgment or by settlement agreement, shall refund the full amount of that reimbursement to the fund within 90 days of receipt of the award or settlement.

(f) Subject to the limitations of this chapter, the board shall maintain the fund at a level that is sufficient to pay all qualified claims. To accomplish this objective, the board shall utilize all refunds, unexpended funds, fees, and any other moneys received by the board.

(g) Notwithstanding Section 16346 of the Government Code, all unencumbered funds remaining in the Transcript Reimbursement Fund as of June 29, ~~2004~~ 2005, shall be transferred to the Court Reporters' Fund.

This section shall become inoperative on July 1, 2005, and, as of January 1, 2006, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2006, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 13. Section 8710.1 is added to the Business and Professions Code, to read:

8710.1. Protection of the public shall be the highest priority for the Board for Professional Engineers and Land Surveyors in exercising its licensing, regulatory, and disciplinary functions. Whenever protection of the public is inconsistent with other

1 interests sought to be promoted, the protection of the public shall  
2 be paramount.

3 SEC. 14. Section 8762 of the Business and Professions Code  
4 is amended to read:

5 8762. (a) Except as provided in subdivision (b), after making  
6 a field survey in conformity with the practice of land surveying,  
7 the licensed surveyor or licensed civil engineer may file with the  
8 county surveyor in the county in which the field survey was made  
9 a record of the survey.

10 (b) Notwithstanding subdivision (a), after making a field  
11 survey in conformity with the practice of land surveying, the  
12 licensed land surveyor or licensed civil engineer shall file with the  
13 county surveyor in the county in which the field survey was made  
14 a record of the survey relating to land boundaries or property lines,  
15 if the field survey discloses any of the following:

16 (1) Material evidence or physical change, which in whole or in  
17 part does not appear on any subdivision map, official map, or  
18 record of survey previously recorded or properly filed in the office  
19 of the county recorder or county surveying department, or map or  
20 survey record maintained by the Bureau of Land Management of  
21 the United States.

22 (2) A material discrepancy with the information contained in  
23 any subdivision map, official map, or record of survey previously  
24 recorded or filed in the office of the county recorder or the county  
25 surveying department, or any map or survey record maintained by  
26 the Bureau of Land Management of the United States. For  
27 purposes of this subdivision, a “material discrepancy” is limited  
28 to a material discrepancy in the position of points or lines, or in  
29 dimensions.

30 (3) Evidence that, by reasonable analysis, might result in  
31 materially alternate positions of lines or points, shown on any  
32 subdivision map, official map, or record of survey previously  
33 recorded or filed in the office of the county recorder or the county  
34 surveying department, or any map or survey record maintained by  
35 the Bureau of Land Management of the United States.

36 (4) The establishment of one or more points or lines not shown  
37 on any subdivision map, official map, or record of survey, the  
38 positions of which are not ascertainable from an inspection of the  
39 subdivision map, official map, or record of survey.



(5) The points or lines set during the performance of a field survey of any parcel described in any deed or other instrument of title recorded in the county recorder's office are not shown on any subdivision map, official map, or record of survey.

(c) The record of survey required to be filed pursuant to this section shall be filed within 90 days after the setting of boundary monuments during the performance of a field survey or within 90 days after completion of a field survey, whichever occurs first.

(d) (1) If the 90-day time limit contained in subdivision (c) cannot be complied with for reasons beyond the control of the licensed land surveyor or licensed civil engineer, the 90-day time period shall be extended until the time at which the reasons for delay are eliminated. If the licensed land surveyor or licensed civil engineer cannot comply with the 90-day time limit, he or she shall, prior to the expiration of the 90-day time limit, provide the county surveyor with a letter stating that he or she is unable to comply. The letter shall provide an estimate of the date for completion of the record of survey, the reasons for the delay, and a general statement as to the location of the survey, including the assessor's parcel number or numbers.

(2) The licensed land surveyor or licensed civil engineer shall not initially be required to provide specific details of the survey. However, if other surveys at the same location are performed by others which may affect or be affected by the survey, the licensed land surveyor or licensed civil engineer shall then provide information requested by the county surveyor without unreasonable delay.

(e) Any record of survey filed with the county surveyor shall, after being examined by him or her, be filed with the county recorder.

(f) If the preparer of the record of survey provides a postage-paid, self-addressed envelope or postcard with the filing of the record of survey, the county recorder shall return the postage-paid, self-addressed envelope or postcard to the preparer of the record of survey with the filing data within 10 days of final filing. For the purposes of this subdivision, "filing data" includes the date, the book or volume, and the page at which the record of survey is filed by the county surveyor.

SEC. 15. Section 8766 of the Business and Professions Code is amended to read:

1 8766. (a) Within 20 working days after receiving the record  
2 of survey, or within ~~such~~ *the* additional time as may be mutually  
3 agreed upon by the land surveyor or civil engineer and the county  
4 surveyor, the county surveyor shall examine it with respect to all  
5 of the following:

6 (1) Its accuracy of mathematical data and substantial  
7 compliance with the information required by Section 8764.

8 (2) Its compliance with Sections 8762.5, 8763, 8764.5, 8771.5,  
9 and 8772.

10 (b) The examination pursuant to this section shall not require  
11 the licensed land surveyor or registered civil engineer submitting  
12 the record of survey to change the methods or procedures utilized  
13 or employed in the performance of the survey, nor shall the  
14 examination require a field survey to verify the data shown on the  
15 record of survey.

16 (c) Nothing in this section shall limit the county surveyor from  
17 including notes expressing opinions regarding the record of  
18 survey, or the methods or procedures utilized or employed in the  
19 performance of the survey.

20 (d) In the event of the death of the land surveyor or civil  
21 engineer, the county surveyor may examine and file the record of  
22 survey prepared by the land surveyor or civil engineer, as long as  
23 the land surveyor or civil engineer held a current and valid license  
24 at the time the record of survey was prepared. If the death of the  
25 land surveyor or civil engineer occurred prior to the submittal of  
26 the record of survey to the county surveyor, the record of survey  
27 may be submitted for examination and filing by the land  
28 surveyor's or civil engineer's heirs or legally-designated  
29 representatives, provided that acceptable evidence or  
30 documentation of the death of the land surveyor or civil engineer  
31 is presented to the county surveyor at the time of submittal. The  
32 record of survey submitted pursuant to this subdivision shall depict  
33 the results of the field survey performed by the land surveyor or  
34 civil engineer. Notes by the county surveyor pursuant to this  
35 section and Section 8767 expressing opinions regarding the field  
36 survey and the record of survey may be placed upon the record of  
37 survey prior to filing. At a minimum, the county surveyor shall  
38 note on the record of survey that the record of survey has been  
39 submitted, examined, and filed pursuant to this subdivision.

1 (e) The examination pursuant to this section shall be performed  
2 by, or under the direct supervision of, a licensed land surveyor or  
3 registered civil engineer.

4 SEC. 16. Section 8773.2 of the Business and Professions  
5 Code is amended to read:

6 8773.2. (a) A “corner record” submitted to the county  
7 surveyor or *civil* engineer shall be examined by him or her for  
8 compliance with subdivision (d) of Section 8765 and Sections  
9 8773, 8773.1, and 8773.4, endorsed with a statement of his or her  
10 examination, and filed with the county surveyor or returned to the  
11 submitting party within 20 working days after receipt.

12 (b) In the event the submitted “corner record” fails to comply  
13 with the examination criteria of subdivision (a), the county  
14 surveyor or *civil* engineer shall return it to the person who  
15 submitted it together with a written statement of the changes  
16 necessary to make it conform to the requirements of subdivision  
17 (a). The licensed land surveyor or licensed civil engineer  
18 submitting the corner record may then make the agreed changes in  
19 compliance with subdivision (a) and note those matters that cannot  
20 be agreed upon in accordance with the provisions of subdivision  
21 (c) and shall resubmit the corner record within 60 days, or within  
22 the time as may be mutually agreed upon by the licensed land  
23 surveyor or licensed civil engineer and the county surveyor, to the  
24 county surveyor for filing pursuant to subdivision (c). The county  
25 surveyor or *civil* engineer shall file the corner record within 10  
26 working days after receipt of the resubmission.

27 (c) If the matters appearing on the corner record cannot be  
28 agreed upon by the licensed land surveyor or the licensed civil  
29 engineer and the county surveyor within 10 working days after the  
30 licensed land surveyor or licensed civil engineer resubmits and  
31 requests the corner record be filed without further change, an  
32 explanation of the differences shall be noted on the corner record  
33 and it shall be submitted to and filed by the county surveyor. The  
34 licensed land surveyor or licensed civil engineer filing the corner  
35 record shall attempt to reach agreement with the county surveyor  
36 regarding the language for the explanation of the differences. If  
37 they cannot agree on the language explaining the differences, then  
38 both shall add a notation on the corner record explaining the  
39 differences. The explanation of the differences shall be  
40 sufficiently specific to identify the factual basis for the differences.

1 (d) The corner record filed with the county surveyor of any  
2 county shall be securely fastened by him or her into a suitable book  
3 provided for that purpose.

4 (e) A charge for examining, indexing, and filing the corner  
5 record may be collected by the county surveyor, not to exceed the  
6 amount required for the recording of a deed.

7 (f) If the preparer of the corner record provides a postage-paid,  
8 self-addressed envelope or postcard with the filing of the corner  
9 record, the county surveyor shall return the postage-paid,  
10 self-addressed envelope or postcard to the preparer of the corner  
11 record with the filing data within 20 days of final filing. For the  
12 purposes of this subdivision, “filing data” includes the date, book  
13 or volume, and the page at which the corner record is filed by the  
14 county surveyor. This subdivision shall not apply to a county  
15 surveyor’s office that maintains an electronic database of filed  
16 corner records that is accessible to the public by reference to the  
17 preparer’s license number.

18 (g) *In the event of the death of the land surveyor or civil*  
19 *engineer, the county surveyor may examine and file the corner*  
20 *record of survey prepared by the land surveyor or civil engineer,*  
21 *as long as the land surveyor or civil engineer held a current and*  
22 *valid license at the time the record of survey was prepared. If the*  
23 *death of the land surveyor or civil engineer occurred prior to the*  
24 *submittal of the corner record to the county surveyor, the corner*  
25 *record may be submitted for examination and filing by the land*  
26 *surveyor’s or civil engineer’s heirs or legally designated*  
27 *representatives, provided that acceptable evidence or*  
28 *documentation of the death of the land surveyor or civil engineer*  
29 *is presented to the county surveyor at the time of submittal. Notes*  
30 *by the county surveyor pursuant to subdivision (c) expressing*  
31 *opinions regarding the corner record may be placed upon the*  
32 *corner record prior to filing. At a minimum, the county surveyor*  
33 *shall note on the corner record that the corner record has been*  
34 *submitted, examined, and filed pursuant to this subdivision.*

35 SEC. 17. Section 8773.4 of the Business and Professions  
36 Code is amended to read:

37 8773.4. (a) A corner record shall be signed by a licensed land  
38 surveyor or licensed civil engineer and stamped with his or her  
39 seal, or in the case of an agency of the United States government  
40 or the State of California, the certificate may be signed by the chief

of the survey party making the survey, setting forth his or her official title, prior to filing.

(b) A corner record need not be filed when:

(1) A corner record is on file and the corner is found as described in the existing corner record.

(2) All conditions of Section 8773 are complied with by proper notations on a record of survey map filed in compliance with the Professional Land Surveyors' Act or a parcel or subdivision map, in compliance with the Subdivision Map Act.

(3) When the survey is a survey of a mobilehome park interior lot as defined in Section 18210 of the Health and Safety Code, provided that no subdivision map, official map, or record of survey has been previously filed for the interior lot or no conversion to residential ownership has occurred pursuant to Section 66428.1 of the Government Code.

(c) This section shall not apply to maps filed prior to January 1, 1974.

*SEC. 18. Section 19825 of the Health and Safety Code is amended to read:*

19825. ~~(a)~~—Every city or county that requires the issuance of a permit as a condition precedent to the construction, alteration, improvement, demolition, or repair of any building or structure shall, in addition to any other requirements, require the following declarations in substantially the following form upon the issuance of any building permit:

BUILDING PROJECT IDENTIFICATION

Applicant's Mailing Address	_____
	_____
Address of Building	_____
	_____
Owner's Name if Known	_____
Telephone No.	_____
Contractor's Name	_____
Contractor's Mailing Address	_____
	_____
	Lic. No. _____
Architect or Engineer	_____



1 Architect's or Engineer's Address \_\_\_\_\_  
2 \_\_\_\_\_  
3 Lic. No. \_\_\_\_\_  
4

5 In addition the city or county may require that there be included, in the  
6 building project identification portion of a building permit, the following:  
7

8 Assessor's Parcel Number\* \_\_\_\_\_  
9 Permit Date \_\_\_\_\_  
10 Permit Number \_\_\_\_\_  
11 Description of Work \_\_\_\_\_  
12 Building Permit Valuation \_\_\_\_\_  
13

14 \*To be entered by issuing agency.  
15

16 LICENSED CONTRACTOR'S DECLARATION  
17

18 I hereby affirm under penalty of perjury that I am licensed under  
19 provisions of Chapter 9 (commencing with Section 7000) of Division 3 of  
20 the Business and Professions Code, and my license is in full force and effect.

21 License Class \_\_\_\_\_ Lic. No. \_\_\_\_\_  
22 Date \_\_\_\_\_ Contractor \_\_\_\_\_  
23

24 OWNER-BUILDER DECLARATION  
25

26 I hereby affirm under penalty of perjury that I am exempt from the Con-  
27 tractors' State License Law for the following reason (Sec. 7031.5, Business  
28 and Professions Code: Any city or county that requires a permit to construct,  
29 alter, improve, demolish, or repair any structure, prior to its issuance, also  
30 requires the applicant for the permit to file a signed statement that he or she  
31 is licensed pursuant to the provisions of the Contractors' State License Law  
32 (Chapter 9 (commencing with Section 7000) of Division 3 of the Business  
33 and Professions Code) or that he or she is exempt therefrom and the basis for  
34 the alleged exemption. Any violation of Section 7031.5 by any applicant for  
35 a permit subjects the applicant to a civil penalty of not more than five  
36 hundred dollars (\$500).):



☐ I, as owner of the property, or my employees with wages as their sole compensation, will do the work, and the structure is not intended or offered for sale (Sec. 7044, Business and Professions Code: The Contractors' State License Law does not apply to an owner of property who builds or improves thereon, and who does the work himself or herself or through his or her own employees, provided that the improvements are not intended or offered for sale. If, however, the building or improvement is sold within one year of completion, the owner-builder will have the burden of proving that he or she did not build or improve for the purpose of sale.).

☐ I, as owner of the property, am exclusively contracting with licensed contractors to construct the project (Sec. 7044, Business and Professions Code: The Contractors' State License Law does not apply to an owner of property who builds or improves thereon, and who contracts for the projects with a contractor(s) licensed pursuant to the Contractors' State License Law.).

☐ I am exempt under Sec. \_\_\_\_\_, B.& P.C. for this reason

Date \_\_\_\_\_ Owner \_\_\_\_\_

# WORKERS' COMPENSATION DECLARATION

I hereby affirm under penalty of perjury one of the following declarations:

\_\_\_\_\_ I have and will maintain a certificate of consent to self-insure for workers' compensation, as provided for by Section 3700 of the Labor Code, for the performance of the work for which this permit is issued.

\_\_\_\_\_ I have and will maintain workers' compensation insurance, as required by Section 3700 of the Labor Code, for the performance of the work for which this permit is issued. My workers' compensation insurance carrier and policy number are:

Carrier \_\_\_\_\_

Policy Number \_\_\_\_\_

~~—(This section need not be completed if the permit is for one hundred dollars (\$100) or less).~~

1 \_\_\_\_\_ I certify that, in the performance of the work for which this permit  
2 is issued, I shall not employ any person in any manner so as to  
3 become subject to the workers' compensation laws of California, and  
4 agree that, if I should become subject to the workers' compensation  
5 provisions of Section 3700 of the Labor Code, I shall forthwith  
6 comply with those provisions.

7  
8 Date: \_\_\_\_\_ Applicant: \_\_\_\_\_  
9

10 WARNING: FAILURE TO SECURE WORKERS' COMPENSATION  
11 COVERAGE IS UNLAWFUL, AND SHALL SUBJECT AN EMPLOYER  
12 TO CRIMINAL PENALTIES AND CIVIL FINES UP TO ONE HUNDRED  
13 THOUSAND DOLLARS (\$100,000), IN ADDITION TO THE COST OF  
14 COMPENSATION, DAMAGES AS PROVIDED FOR IN SECTION 3706  
15 OF THE LABOR CODE, INTEREST, AND ATTORNEY'S FEES.

16  
17 CONSTRUCTION LENDING AGENCY  
18

19 I hereby affirm under penalty of perjury that there is a construction  
20 lending agency for the performance of the work for which this permit is  
21 issued (Sec. 3097, Civ. C.).

22 Lender's Name \_\_\_\_\_

23 Lender's Address \_\_\_\_\_  
24

25 I certify that I have read this application and state that the above informa-  
26 tion is correct. I agree to comply with all city and county ordinances and  
27 state laws relating to building construction, and hereby authorize representa-  
28 tives of this county to enter upon the above-mentioned property for inspec-  
29 tion purposes.

30 \_\_\_\_\_  
31 Signature of Applicant or Agent

\_\_\_\_\_ Date  
32

33 ~~(b) The Contractors' State License Board shall provide~~  
34 ~~semiannually, upon the request of city, county, and city and county~~  
35 ~~building departments, a list of all contractors that did not secure~~  
36 ~~payment of compensation in accordance with Article 1~~  
37 ~~(commencing with Section 3700) of Chapter 4 of Part 1 of~~  
38 ~~Division 4 of the Labor Code during any period for which workers~~  
39 ~~were employed during the preceeding six months.~~

1     *SEC. 19. No reimbursement is required by this act pursuant*  
2     *to Section 6 of Article XIII B of the California Constitution*  
3     *because the only costs that may be incurred by a local agency or*  
4     *school district will be incurred because this act creates a new crime*  
5     *or infraction, eliminates a crime or infraction, or changes the*  
6     *penalty for a crime or infraction, within the meaning of Section*  
7     *17556 of the Government Code, or changes the definition of a*  
8     *crime within the meaning of Section 6 of Article XIII B of the*  
9     *California Constitution.*

